IT IS ORDERED that: (1) the Petition is denied; and (2) Judgment

shall be entered dismissing this action with prejudice.

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IT IS FURTHER ORDERED that the Clerk serve copies of this Order and the Judgment herein on the parties. LET JUDGMENT BE ENTERED ACCORDINGLY. DATED: October 3, 2011 RONALD S.W. LEW HONORABLE RONALD S.W. LEW SENIOR UNITED STATES DISTRICT JUDGE